

shown separate from and below the mantel. Further, the combination of *Burnett* with *Wilkening* to provide a shelf pivotally attached to the front that encloses the combustion chamber would place the vault of *Burnett* within the combustion chamber, which would likely heat the contents of the vault to extremely high temperatures, which is a result that cannot be desired. This would be the only way the closure (3) of *Burnett* could be attached to form the front wall of the fireplace. Therefore, *Burnett* does not teach or suggest attaching its closure to the front wall of *Wilkening*. Based on the foregoing, claim 1 is allowable and withdrawal of the Examiner's rejection is respectfully requested. Claims 2-6 depend from independent claim 1. Thus, these claims, which depend from an independent and allowable claim are also not obvious. Applicants respectfully request that the Examiner withdraw the rejection of claims 1-6.

Conclusion

Applicants submit that the pending claims 1-6 are in condition for allowance and withdrawal of the Examiner's rejections is requested. Notification of such allowance is respectfully requested. Applicants also note that there may be additional reasons that the pending claims are patentably distinct from the cited references and reserve the right to raise any related arguments in the future.

The Examiner is encouraged to contact the Applicants' undersigned attorney, at the below listed telephone number, to discuss this matter if any questions arise upon further examination of the pending claims.

Respectfully submitted,

Dated: October 4, 2002

Matthew A. Doscotch
Matthew A. Doscotch
Reg. No. 48,957
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
(612) 332-5300

